## REMARKS

Claim 21 is canceled without prejudice, and therefore claims 18 to 20, and 22 to 37 are pending in the above-referenced application.

In view of this response, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for indicating that all certified copies of the priority documents have been received.

Claims 18 to 29, 32, 33, 36, and 37 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0073400 ("Beuten et al."), in view of U.S. Patent No. 4,942,550 ("Murray"). Claim 21 has been canceled herein without prejudice, thus rendering moot the rejection as to claim 21.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 18 has been rewritten to include the feature of a storage module from dependent claim 21, which has been canceled herein without prejudice. Claims 20, 26, and 32 have been rewritten to correspond to claim 18, as presented.

Claim 18, as presented, relates to a motor vehicle control unit, including a processor, a first interface, at least one second interface combined with the processor in a sub-assembly so as to minimize a capacitive loading by the at least one second interface, and *a storage module, wherein the at least one second interface accesses a code of the processor in the storage module for a writing purpose*.

It is respectfully submitted that Beuten does not identically disclose (or even suggest) the feature of a storage module, in which the at least one second interface accesses a code of

the processor in the storage module for a writing purpose, as provided for in the context of claim 18, as presented. Instead, Beuten merely indicates that the debug logic monitors the execution of a program, and selects an exception routine in the event of an exception, such as resetting and starting up the microcontroller again. (Beuten, ¶¶ 35, and 36). Nowhere does Beuten even indicate that the debug logic accesses a code of the processor in the storage module for a writing purpose. In fact, Beuten specifically states that its objective is to monitor the execution of a program while "affect[ing] neither the computing performance of the microprocessor nor the program memory." (Beuten, ¶ 17).

Therefore, Beuten does not identically disclose (or even suggest) the feature of a storage module, in which the at least one second interface accesses a code of the processor in the storage module for a writing purpose, as provided for in the context of claim 18, as presented.

Further, Murray does not cure – and is not asserted to cure – the critical deficiencies of Beuten. Accordingly, it is respectfully submitted that the proposed combination of Beuten and Murray does not disclose, or even suggest, all of the features included in claim 18, as presented, so that claim 18, as presented, is allowable.

Claims 19, 20, 22 to 29, 32, 33, 36, and 37 depend from claim 18, as presented, so that these claims are allowable for at least the same reasons as claim 18, as presented.

Claims 30 and 31 were rejected under under 35 U.S.C. § 103(a) as unpatentable over Beuten et al., in view of Murray, and further in view of U.S. Patent No. 6,311,294 ("Larky").

As explained above, the proposed combination of Beuten and Murray does not disclose, or even suggest, all of the features of claim 18, as presented, and therefore does not render unpatentable the presently pending claims for at least the foregoing reasons. Further, Larky does not cure – and is not asserted to cure – the critical deficiencies of the proposed combination of Beuten and Murray. Accordingly, it is respectfully submitted that the proposed combination of Beuten, Murray, and Larky does not disclose, or even suggest, all of the features of claim 18, as presented, so that claim 18 is allowable, as are its dependent claims 30 and 31.

Claims 34 and 35 were rejected under under 35 U.S.C. § 103(a) as unpatentable over Beuten et al., in view of Murray, and further in view of U.S. Patent No. 6,311,294 ("Larky").

Claim 34, as presented, includes features analogous to those of claim 18, as presented. As explained above, the proposed combination of Beuten, Murray, and Larky

does not disclose, or even suggest, all of the features of claim 18, as presented, so that it is allowable, as is its dependent claim 34.

Claim 35 depends from claim 34, and is therefore allowable for at least the same reasons as claim 34, as presented.

Withdrawal of the obviousness rejections is therefore respectfully requested.

In sum, it is respectfully submitted that all of claims 18 to 20, and 22 to 37 are allowable.

## CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is respectfully requested.

Respectfully submitted,
KENYON & KENYON LLP

Dated: 1/10/2008 By: _____

Gerard A. Messina
Reg. No. 35,592

One Broadway
New York, NY 10004
(212) 425-7200
**CUSTOMER NO. 26646**

1430202